

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**  
March 23, 2007

The Protection Order Committee met at the Indiana Judicial Center on Friday, March 23, 2007 from 12:00 noon – 3:30 P.M.

1. Members present. Tammy Baitz, Dale Brewer, John W. Hammel, Stephen M. Jessup, Douglas Knight, Christopher A. Newton, Jerry L. Ummel, Kim VanValer, and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Guests present. Mary DePrez, Director and Counsel for Trial Court Technology, JTAC; Farrah Hoffman, Grant Administrator, JTAC; Pat Hess, JTAC; Lajuan Epperson, David Stewart and Daniel Phillips, Trainers, JTAC; and Vivian Nowaczewski, Indiana State Police, were also present.
4. Minutes. The minutes for February 23, 2007 were approved.
5. ICADV standards.
  - a. Jeffrey Bercovitz distributed draft ICADV standards for certified domestic violence counseling programs to members of the committee for review at the request of ICADV.
  - b. Committee members agreed certification of these programs based on evidence-based practices should be used, specialized training was needed for personnel, and the state should certify these programs.
6. Presentation by JTAC.
  - a. Mary DePrez reported the Protection Order Registry interface with IDACS was being tested. She also reported JTAC hired 6 trainers and introduced 3 of these trainers for central Indiana: Lajuan Epperson, Daniel Phillips, and David Stewart. She noted additional Byrne grant monies were approved by the ICJI for use by JTAC on this project. A separate grant was submitted by the ICJI for JTAC to partner with ICADV for rural county training.
  - b. Farrah Hoffman distributed draft forms to members of the committee.
    - (1) She said only the names of minor children were captured on the coversheet, yet minor children and household members could be captured according to the first condition of a protection order. Committee members noted where the other household members could be indicated on the cover sheet. The committee also said these names should be on the cover sheet if the court indicated they should be included.
    - (2) Pat Hess showed various no contact order forms in use in Howard County. He reported they each have a different condition and there is no space for a court to add

their own conditions in the present no contact order. Members of the committee agreed to a revised the no contact order form to provide a free space for exceptions to the order in the following manner:

Exceptions: None or Other: \_\_\_\_\_

(3) Farrah Hoffman explained when a court issues an Ex Parte Order, this order may be modified by use of PO-0121, which permits a modification based on the Brady law after a hearing. She wondered whether this form might be confusing since it would have to be used with the underlying order. Committee members are not using PO-0121 when a modification occurs; they enter a new protection order. Members of the committee believe courts will use the new short form when it is available on July 1, and not reissue the Ex Parte Order along with PO-121. Committee members agreed to discuss the need for PO-0121 to modify the long protection order forms, PO-0112, and PO-0113 at the April meeting of the committee.

(4) Judge Busch reported on distribution of the protection order for service purposes. He said law enforcement agencies not serving the protection order are receiving the cover sheet only, with the option to print out the full order. Some law enforcement agencies were confused by this procedure. JTAC agreed to review this procedure with Judge Busch and the pilot counties.

(5) Committee members agreed courts should be permitted to print out a separate No Contact Order for each protected party or use the Supplement to the Cover Sheet, Form NCO-0105 for multiple protected parties.

7. Education.

a. Anne Jordan, Program Attorney, Indiana Judicial Center, distributed topics for discussion by panel members at, "Protection Orders: The Top Things Judge Need to Know" on Wed., April 18 and repeated on Friday, April 20 as part of the Spring Judicial College. Members of the committee also discussed the panel presentation and materials for these sessions.

b. Dale Brewer, President, Indiana Clerk's Association asked committee members for speakers for their Annual Meeting. It will be held on Tuesday, June 12, 2006 in the afternoon at the Marriott North in Indianapolis. Judge Busch and Judge Newton agreed to make a presentation at this conference.

8. Legislation.

a. Jeffrey Bercovitz distributed an email to committee members on SB 65, which amends the definition of family or household member. The email indicated SB 65 was unlikely to get a hearing in the House.

b. Jeffrey Bercovitz distributed an amendment to SB 311, which would provide a procedure for the removal of an alleged perpetrator from the home in cases of child abuse and neglect before a petition is filed. Committee members agreed the procedures in Ind. Code 31-32-13 could be used to remove the alleged perpetrator and consideration should be given to Trial Rule 65 restraining order procedures

9. Future meeting dates. Committee members agreed to meet again on: Friday, April 27, 2007; June 29, 2007; July 27, 2007; August 24, 2007; and October 26, 2007 all from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law